

Patent No. 6,377,809 ("Rezaiifar et al."). Claims 16-21 are allowed. Claims 4, 7, 8, 10, 14, and 15 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the allowance of these claims.

The rejection of Claims 1-3, 5-6, 9 and Claims 11-13, however, are respectfully traversed. The present application in its background section ("admitted prior art") discloses a CMDA communications system where data service entities transition into different states during communications between base stations and mobile stations. Gitlin et al. discloses a code division multiple access system providing variable data rate access to a user. Rezaiifar et al. discloses a channel structure for communication systems.

With regard to Claims 1-3, 5-6, and 9, it is submitted that the combination of applicants' admitted prior art and Gitlin et al. does not disclose, suggest or teach every element claimed in Claim 1. Contrary to the assertion made in the Office Action, applicants' admitted prior art does not disclose, suggest or teach "determining a parameter value specifying an attribute of the generated user data and comparing the parameter value with a predefined reference value when the user data to be transmitted is generated in the suspended state." Applicants' admitted prior art also does not disclose, suggest or teach "transmitting the user data via a common channel when the parameter value is lower than the predefined reference value." For example, applicants' admitted prior art also does not disclose, suggest or teach that, if a user data to be transmitted occurs after transition to a suspended state, the generated data is transmitted over a

common channel under the suspended state. Further, Gitlin et al. does not disclose, suggest, or teach these elements.

In addition, the Office Action states that "Gitlin et al. teaches transmitting over a common channel once control resides in the suspended state/idle mode (fig. 5 box 501, 507, 511, 513, col. 5 line 59 – col. 6 line 29)." Gitlin et al., however, is concerned with providing variable data rate access to a user over a code division multiple access system. In Gitlin et al.'s step 501, a user inputs a request for a connection through a common access channel. If it is successful, then in step 507, the base station assigns a specific code to a mobile station. After that, in step 509, the user requests M times the basic rate and the base station starts data transmission at M times the basic rate or less.

Gitlin et al. is silent on details of state transitions during communications. Gitlin et al., in columns and lines referred to in the Office Action, discloses a user returning to "an idle mode at the end of a data burst." The terminology "idle mode" in Gitlin et al. is being used in a different context than is used in the present application. Particularly, Gitlin et al. appears to use "idle mode" to mean that there is not another data burst. This is confirmed in Gitlin et al.'s Figure 5 element 515 where "idle" is parenthesized after the term "silence." Gitlin et al. does not refer to "idle" as being in a different transition state. Gitlin et al.'s "idle" refers to silence or no data being transmitted from the user. Accordingly, it is submitted that Gitlin et al. does not disclose, suggest, or teach "determining a parameter value specifying an attribute of the generated user data and comparing the parameter value with a predefined reference value when

the user data to be transmitted is generated in the suspended state; and transmitting the user data via a common channel when the parameter value is lower than the predefined reference value” as claimed in Claim 1. Claims 2-3, 5-6, and 9 depend from Claim 1. By virtue of their dependencies, it is submitted that these claims are also patentable for at least the same foregoing reasons.

With regard to Claims 11-13, it is submitted that these claims are also patentable for at least the same foregoing reasons as applied to Claim 1, and because Rezaiifar et al. does not disclose, suggest, or teach that which Gitlin et al. and the admitted prior art fail to disclose, suggest or teach as discussed above.

Applicants believe that Claims 1-15 are in condition for allowance. If the Examiner has any questions regarding this communication or feels that an interview would be helpful in prosecuting this application, the Examiner is requested to contact the undersigned.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE, LLP
333 Earle Ovington Boulevard
Uniondale, New York 11553
(516) 228-8484